IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9676 of 2004

Between:
Chinnabbi S/o. Bhimaiah
R/o. Batchuvari Gudem Gram Panchayat Aswaraopet Mandal,
Khammam District.

..... PETITIONER

AND
1 The District Collector Khammam, Khammam District.
2 Superintendent of Police, Khammam, Khammam District
3 Assistant Director of Fisheries, Khammam.
4 Station House Officer, Aswarao Pet Mandal, Khammam District.
5 Commissioner of Tribal Welfare Samshkema Bhavan, Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the action of respondents in not taking steps to protect the rights of the petitioner and not taking the action against non-tribal encroachers is unconstitutional and consequently direct the respondents 1 to 5 to take action against non-tribals who have taken away fish and attacked the tribals of the petitioner Gram Panchayat.

Counsel for the Petitioner: Mr.K.S.MURTHY, Advocate

Counsel for the Respondents: The GP FOR FISHERIES

The Court made the following ORDER:

This writ petition is filed by the petitioner who is the Sarpanch of Batchuvarigudem Gram Panchayat, Aswaraopet Mandal, Khammam District, aggrieved by the action of the respondents 1 to 4 in not providing necessary protection to safeguard fishing rights in respect of Peddavagu Project.

2. According to the petitioner, the petitioner's village is situated in scheduled area, and therefore the fishing rights are to be leased out either to the tribals or to the Gram Panchayat. As there are no tribals, who are prepared to take on lease, the lease was granted in favour of the Gram Panchayat and the Gram Panchayat obtained fishing rights after paying necessary lease amounts to the authorities. But, however, the grievance of the petitioner is that outside non-tribals are entering the village and are taking away the fish from the above Reservoir. Though, the petitioner-Gram Panchayat made a representation to the respondents, no action is being taken and in fact according to the petitioner, Fisheries Department_also addressed a letter to the respondents, to provide protection with reference to the fish that is available in the Peddavagu Project Reservoir. As no action has been taken, the petitioner has come up with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries.

4. The grievance of the petitioner is that the respondents are not providing enough protection to safeguard the interest of the petitioner-Gram Panchayat with regard to the fishing rights in respect of Peddavagu Project, which is a Reservoir situated within the petitioner-

Gram Panchayat.

5. In view of the above facts, the writ petition is disposed of at the admission stage directing the respondents to provide necessary protection to safeguard the interest of the Gram Panchayat in respect of fishing rights in Peddavagu Project, as a valid lease was granted in favour of the petitioner-Gram Panchayat with reference to fishing rights.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

17.06.2004
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To
1 The District Collector Khammam, Khammam District.
2 The Superintendent of Police, Khammam, Khammam District.
3 The Assistant Director of Fisheries, Khammam.
4 The Station House Officer, Aswarao Pet Mandal, Khammam District.
5 The Commissioner of Tribal Welfare Samshkema Bhavan, Masab Tank, Hyderabad.
6 Two CCs to G.P. for Fisheries, High Court Buildings, Hyderabad (OUT)
7 Two CD copies